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Dated: March 8, 2006

Signature:

*Georgina Matos*  
(Georgina Matos)

Docket No.: 549222000101  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John O. RYAN

Application No.: 08/977,846

Confirmation No.: 3572

Filed: (Intl.) November 25, 1997

Art Unit: 3639

For: METHOD AND SYSTEM FOR  
INFORMATION DISSEMINATION WITH  
USER MENU INTERFACE

Examiner: M. Dinh

**SECOND DECLARATION UNDER RULE 132**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. My name is Charles H. Jablonski. My qualifications are attached as Exhibit 2. I am an independent consultant.

2. I reviewed the specification and currently pending claims of U.S. Patent Application No. 08/977,846 filed November 25, 1997 titled "Method and System for Information Dissemination with User Menu Interface," inventor John O. Ryan. I also reviewed the Office Action in that application having a mailing date of December 13, 2005 and the cited reference assigned to Hitachi Limited, inventor Yoshio et al., Japanese Patent Application No. 04-310631. I reviewed an English language translation of Yoshio et al. I note that in the December 13, 2005

Office Action the Examiner referred to this reference erroneously as "Yoshiro et al. ('631)." The last name of the first inventor is "Yoshio."

3. The disclosure of Yoshio et al. is limited. There is disclosure of how the user would use the apparatus, referred to as a "rewritable optical disc." However, there is no useful description of how the apparatus is built or its internal operation.

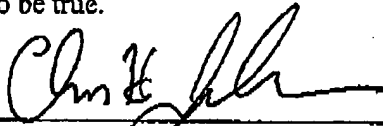
4. There is no description in Yoshio et al of internal components and how they are interrelated or operation of the rewritable optical disc apparatus. The exception is that the apparatus is described as based on an optical recording disc drive and having the capability of receiving a television signal. There is no description in Yoshio et al of how the data is indexed or cataloged for recordation or storage on the disc, or how the apparatus processes the received data for such storage. This is not enough for one of ordinary skill in the television/video field to understand how the apparatus would actually be built or operate.

5. Yoshio et al is only an unexamined Japanese patent publication ("Kokai"). It is not an issued patent.

6. In my professional activities I have reviewed many patents and technical articles and technical specifications in the video and television and telecommunications fields. The specification of Yoshio et al. is remarkably sketchy in terms of technical detail of how the apparatus would be implemented. I view the Yoshio et al description as more of a wish list of what a desired apparatus would do rather than a description of how to make and use such an apparatus.

7. I believe that the Yoshio et al description, even to one of ordinary skill in the relevant technical field, which I believe is television and/or video and/or telecommunications, is insufficient to enable such a person to make or use the apparatus, even with some experimentation.

8. I understand that willful false statements and the like in this declaration are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above cited application or any patent issuing thereon. All statements made in this declaration of my own knowledge are true and all statements made on information and belief are believed to be true.

Signed:   
Charles H. Jablonski

Date: 3-Mar-06

## "EXHIBIT 2"

Charles H. Jablonski  
578 Edgewood Road  
Redwood City, CA 94062  
[cjablonski@mindspring.com](mailto:cjablonski@mindspring.com)  
(650) 299-9309

**Position Objective:** Senior Operating and Executive Management Role in fast growth technology, media, communications business.

### **Experience Summary:**

November 2002-Present Board, Advisory & Management Services Currently serving on three (one public) Boards of Directors, several advisory boards, various advisory and consulting engagements and participant in and developer of various acquisition and restructuring proposals.

June 2001-October 2002 President & CEO Myrio Corporation (Interim) Recruited as interim CEO by investors/Board to focus business, reduce costs and structure business for survivability until profitability. Raised \$16MM in funding from existing investors, reduced staff and costs significantly, continued product evolution and instituted processes and procedures for stability and growth based on market. Closed significant domestic and international sales.

October 2000-End Chief Operating Officer, Geocast Network Systems Overall operational responsibility for startup including engineering, product development, customer development, finance, marketing, HR, and operations. Wound down business in 2<sup>nd</sup> Q 2001; negotiated sales of IP, orderly termination of business activities and asset distribution.

July 1999-October 2000 Senior Vice President Network Operations and Engineering, Geocast Network Systems Responsible for design, procurement and implementation of end-to-end data broadcast network for affiliate sites, implementation and operation of Network Operating Center. Responsibilities also included commercial operations, program and product management and IS.

February 1993-July 1999 Vice President Broadcast & Network Engineering National Broadcasting Company Complete technical and technology responsibility for all aspects of NBC, including Olympics, Owned Stations, International, Network Distribution from the strategic to the implementation and operational units. Additionally included business development and acquisitions, strategic technology assessment and development at Senior Management, GE Capital and Corporate (GE) level.

July 1983-February 1993 Managing Director, Chief Engineer, Director National Broadcasting Company Responsibilities ranged from Managing Director Engineering for two Olympic Games (Seoul and Barcelona), Chief Engineer for the Network, capital and strategic planning, and various fast track technology projects from conversion electronic graphics to conversion to stereo for which NBC was awarded an Engineering Emmy.

### **Professional Societies, Associations & Awards:**

Society of Motion Picture and Television Engineers: Fellow, Served as President 1999-2000  
Member: IEEE, Royal Television Society, BKSTS, and NATAS  
Serves on Advisory Board for RPI (Rensselaer Polytechnic Institute) School of Engineering  
Chair NATAS (Emmy) Engineering Achievement Award Committee  
Presented Royal Television Society Schoenberg Lecture, London, November 1999  
Various Papers and Presentations over the past two decades at various conferences, seminars and associations.  
Awarded Three Emmys  
Featured as one of the "10 to Watch" Electronic Media 1999

### **Education:**

Rensselaer Polytechnic Institute-Electrical Engineering    Union College-Electrical Engineering